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SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 11.25 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/C.3/50/L.66)

Draft resolution A/C.3/50/L.66

1. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.66 entitled "Situation of human rights in Nigeria", which had no programme budget implications. Barbados, Ecuador, El Salvador, Latvia, Malawi, Mali, Peru, the Slovak Republic, Suriname, the former Yugoslav Republic of Macedonia and Uzbekistan had become sponsors of the draft resolution.

2. Mr. LACLAUSTRA (Spain), speaking on behalf of the sponsors, said that in the fourth preambular paragraph and in paragraphs 4 and 7, the references to "democratic government" should be replaced by "democratic rule". In paragraph 5, the words from "and invites Member States ..." to the end should be replaced with "... and expresses the hope that these actions and other possible actions by other States, consistent with international law, would encourage the Government of Nigeria to achieve that specific purpose;".

3. Mr. SECKA (Gambia) said that he wished to propose several amendments to the draft resolution. The fourth preambular paragraph should be amended to read: "Expressing concern that the absence of representative government in Nigeria may lead to violations of human rights and fundamental freedoms." With regard to the fifth preambular paragraph, which noted that on 1 October 1995 the Government of Nigeria had declared its intention of moving towards democracy, he felt that, in view of the size of the country and the problems involved in such changes, it was unrealistic to expect a great deal of progress to have been made in such a short time. He therefore proposed that the final phrase, "but disappointed ..." should be deleted. The word "arbitrary" should be deleted from the sixth preambular paragraph and throughout the draft resolution, as it was too harsh and had itself been used arbitrarily. Lastly, he suggested that the word "Condemns" at the beginning of paragraph 1 should be replaced with "Regrets".

4. Mr. GNEHM (United States of America), supported by Mr. LACLAUSTRA (Spain), proposed that a vote be taken on the amendments proposed by the delegation of the Gambia.

5. Mr. SECKA (Gambia) said that he had no objection to a vote being taken but that, in that case, he would like a separate vote to be taken on the amendments proposed to the fifth preambular paragraph.

6. Mr. VAUGHN-FENN (United Kingdom) said that the phrase which the Gambia was proposing to delete from the fifth preambular paragraph was very mild. Many sponsors had recognized the progress made in Nigeria and the existing wording took that into account. He urged the Committee to retain the paragraph in its entirety.

7. Mr. SAHRAOUI (Algeria), speaking on a point of order, said that, under the rules of procedure, no sponsor could make a statement on its own resolution.

8. Mr. BIGGAR (Ireland), responding to the point of order raised by the representative of Algeria, said that his understanding of General Assembly and Third Committee practice was that a general statement was permissible. His delegation did not support the amendments proposed by the representative of the Gambia.

9. Mr. KHAN (Pakistan) said that the amendments proposed by the Gambia must be put to the vote.

10. Mr. VAUGHN-FENN (United Kingdom) said that those who supported the original text in its entirety should vote against the amendments proposed by the delegation of the Gambia.

11. Mr. SECKA (Gambia) reiterated the need to encourage the positive developments taking place in Nigeria. His proposed amendment to the fifth preambular paragraph was meant to make the tone of the draft resolution even milder.

12. A recorded vote was taken on the amendment proposed by the Gambia to the fifth preambular paragraph of draft resolution A/C.3/50/L.66.

In favour: Algeria, Angola, Antigua and Barbuda, Belize, Chad, Djibouti, Egypt, Equatorial Guinea, Gambia, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Niger, Sierra Leone, Togo.

Against: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia, Zimbabwe.

Abstaining: Afghanistan, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Cameroon, Cape Verde, Colombia, India, Jamaica, Jordan, Kenya, Madagascar, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Pakistan, Philippines, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Singapore, Sri Lanka, Swaziland, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela.

13. The amendment proposed by the Gambia to the fifth preambular paragraph of draft resolution A/C.3/50/L.66 was rejected by 85 votes to 18, with 33 abstentions.

14. The CHAIRMAN invited the Committee to vote on the amendments proposed by the Gambia to the fourth and sixth preambular paragraphs and paragraph 1 of draft resolution A/C.3/50/L.66.

15. Mr. LACLAUSTRA (Spain), speaking in explanation of vote, said that his delegation rejected all the amendments proposed by the Gambia and that the executions referred to in the draft resolution had been carried out arbitrarily, without due process of law. While Spain had the greatest respect for the domestic legislation of Member States, that legislation must be applied in accordance with international human rights standards. The situation of human rights in Nigeria and the absence of democratic rule in that country had been a source of international concern for some time and merited condemnation by the Committee and other international bodies. Accordingly his delegation would vote against the proposed amendments.

16. Mr. VAUGHN-FENN (United Kingdom) stressed the need to maintain the important factual reference in the fourth preambular paragraph to the popular support for democratic rule evidenced in the 1993 elections, which the proposed amendment would delete.

17. Mr. NSANZE (Burundi) said that paragraph 1 begged the question, since it erroneously assumed that Nigeria had been found guilty of the accusations levelled against it. Those accusations had not been proved and, furthermore, the accused party had not had an opportunity to refute them.

18. A recorded vote was taken on the amendments proposed by the Gambia to the fourth and sixth preambular paragraphs and paragraph 1 of draft resolution A/C.3/50/L.66.

In favour: Algeria, Djibouti, Egypt, Equatorial Guinea, Gambia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Niger, Sierra Leone, Togo.

Against: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago,

Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Abstaining: Afghanistan, Angola, Antigua and Barbuda, Bangladesh, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Cameroon, Cape Verde, Colombia, India, Indonesia, Jamaica, Jordan, Kenya, Madagascar, Malaysia, Mexico, Morocco, Namibia, Nepal, Pakistan, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Singapore, Sri Lanka, Swaziland, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania.

19. The amendments proposed by the Gambia to the fourth and sixth preambular paragraphs and paragraph 1 of draft resolution A/C.3/50/L.66 were rejected by 90 votes to 10, with 35 abstentions.

20. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/50/L.66 as a whole, as orally revised by the representative of Spain.

21. Mr. GAMBARI (Nigeria), speaking in explanation of vote, said that the draft resolution constituted blatant interference in the internal affairs of Nigeria, violating both the letter and the spirit of the Charter of the United Nations. According to Article 2, paragraph 7, of the Charter, nothing in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State or required the Members to submit such matters to settlement. The sponsors had totally disregarded that principle. His delegation therefore urged the members of the Committee to uphold the Charter and reject the draft resolution.

22. The sponsors had demonstrated a total lack of respect for the sovereignty of Nigeria, which was a responsible Member State of the United Nations and continued to fulfil its obligations under the Charter and under the relevant human rights instruments. Furthermore, by virtue of the principle of equal rights and self-determination of peoples, all countries had the right, freely and without external interference, to determine their political status and pursue their economic, social and cultural development. The draft resolution failed to take account of the fact that no single political system or electoral process was suited to all nations and peoples and that political systems were subject to historical, political, cultural and religious factors. The execution of the nine Nigerians referred to in the draft resolution had been the result of their criminal indictment on charges of murdering four other Nigerians. Due process had been observed, in accordance with Nigeria's Constitution and domestic legislation. Their conviction had had nothing to do with human rights issues or their political views or environmental advocacy. Furthermore, contrary to what was claimed in paragraph 2 of the draft resolution, the same laws applied to all Nigerians.

23. Nigeria should not be condemned for using capital punishment after due process had been observed. The legislation of many Member States provided for capital punishment. Nor should Nigeria be selectively put on trial in the General Assembly simply because it had a military administration. Nigeria was not the only Member State that had such an administration. In any case, his

Government had put in place a programme of transition to democratic rule, which it intended to implement in stages, taking into account its domestic circumstances. Nigeria should be encouraged to implement its own democratization programme without the kind of interference implicit in the fourth preambular paragraph and paragraph 4 of the draft resolution.

24. The General Assembly was being asked to condemn Nigeria when there had been no independent report nor Commission on Human Rights resolution on the situation in that country. That was an abuse of General Assembly and United Nations procedures. Nigeria had not breached the peace and the General Assembly should not be misled into asking Member States to consider appropriate steps to force Nigeria to return to democratic rule. Accordingly, he urged the members of the Committee to vote against the draft resolution which, if adopted, would set a very dangerous precedent with regard to national sovereignty.

25. The African States had a better understanding than others of the problems currently facing Nigeria and all but four of the African States Members of the United Nations had wisely, and despite considerable political pressure, refused to join the sponsors of the draft resolution. Nigeria would be eternally grateful to those Governments which had refused to be intimidated.

26. The fourth preambular paragraph of the draft resolution was particularly objectionable to his delegation. As the authors of the draft resolution well knew, there was no demonstrable link between the absence of representative government and human rights violations. The fifth preambular paragraph ignored the steps already taken by his Government to move towards democracy. Before asking Nigeria to move faster in that direction, the international community should look more closely at the real conditions in that country. As for the sixth preambular paragraph, it was unprecedented that persons who had been executed should be mentioned by name. The seventh preambular paragraph, while noting the decision of the Commonwealth Heads of Government to suspend Nigeria from membership in the Commonwealth, failed to reflect the overall spirit of that decision. The ninth preambular paragraph claimed that the human rights situation in the country was the cause of the sufferings of the Nigerian people; that was a premature conclusion, since no finding to that effect had been made by an international body such as the Commission on Human Rights.

27. The executions referred to in paragraph 1 had not been arbitrary, since the individuals concerned had been convicted of murder. The fact that six people had been acquitted in the same case should not be forgotten; neither should the four murder victims. Paragraph 2 showed that the authors of the draft resolution favoured certain groups within Nigeria over others and paragraph 4 wrongly implied that no real democratization was currently in progress in the country. Paragraph 5 amounted to a call for sanctions, which was both dangerous and outside the purview of the General Assembly. Lastly, in the interest of the objectives which the draft resolution purportedly sought to achieve, paragraphs 6 and 7 should simply encourage Nigeria to continue to move towards democracy.

28. His delegation proposed that separate recorded votes be taken on paragraphs 1, 5 and 6, followed by a recorded vote on the draft resolution as a whole.

29. Mr. BIGGAR (Ireland) said that his delegation was opposed to the holding of separate votes on paragraphs 1, 5 and 6. The Committee had already stated its position on those paragraphs by rejecting the amendments proposed by the Gambia.

30. The CHAIRMAN said that, since an objection had been raised to the separate votes proposed by the representative of Nigeria, the Committee would have to vote on the proposal. In accordance with rule 129 of the rules of procedure, he proposed that the Committee should first hear two speakers in favour of the proposal and then two against.

31. Mr. RODRÍGUEZ (Spain) and Ms. BUCK (Canada) expressed agreement with the representative of Ireland and opposed the holding of separate votes on the paragraphs concerned.

32. Mr. SECKA (Gambia) and Mr. MAÏGA HAROUNA (Niger) supported the proposal by the representative of Nigeria.

33. A recorded vote was taken on the proposal by the Nigerian delegation to vote separately on paragraphs 1, 5 and 6.

In favour: Algeria, Angola, Belize, Benin, Burundi, Cape Verde, Chad, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Gambia, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mongolia, Morocco, Myanmar, Niger, Nigeria, Saint Lucia, Sierra Leone, Sri Lanka, Sudan, Togo, Trinidad and Tobago.

Against: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Botswana, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Abstaining: Afghanistan, Antigua and Barbuda, Bangladesh, Bhutan, Brazil, Brunei Darussalam, Cambodia, Guyana, Indonesia, Jamaica, Jordan, Kenya, Madagascar, Mexico, Namibia, Nepal, Nicaragua, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Saint Kitts and Nevis, Saudi Arabia, Senegal, Singapore, Swaziland, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania.

34. The proposal was rejected by 80 votes to 32, with 30 abstentions.

35. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/50/L.66 as a whole, as orally revised.

36. Mr. NSANZE (Burundi), speaking in explanation of vote, said that his delegation opposed draft resolution A/C.3/50/L.66 because it believed that it would be undemocratic for the General Assembly to dictate to the Government of Nigeria how it should proceed with the democratic process in its country. Nigeria should be rewarded, rather than condemned, for beginning that process on its own initiative, a fact recognized in the fifth preambular paragraph. A vote in favour of the draft resolution would not help to bring to justice those responsible for the crimes that had been committed in Nigeria. He urged Committee members to refrain from taking stereotypical positions when adopting resolutions. Rather than humiliating the Government of Nigeria by voting in favour of the draft resolution, the Committee should consider adopting a different resolution under which the General Assembly would send a delegation to Nigeria to deal with the issues at hand in a diplomatic and objective manner.

37. Mr. TAN Kung Seng (Singapore) said that, while his Government recognized that it was not easy to govern a country such as Nigeria, which had over 200 tribes and various religions and faced enormous problems, it believed that countries must abide by certain standards. The basic issue at hand was how to balance the international community's desire to uphold minimum general standards with the need to take into account the specific, and often difficult, situations faced by individual countries. While his Government accepted that there should be certain minimum international human rights standards, it also believed that there were no easy solutions to finding such a balance.

38. Despite significant advances in recent years, international human rights law continued to coexist uneasily with the fundamental principles of national sovereignty and national responsibility. Until a definitive solution was found to that apparent contradiction, it was the responsibility of each individual State to make judgements for itself. His delegation believed that certain key aspects of the draft resolution went beyond what was appropriate. It also noted that the countries closest to Nigeria, which were best placed to appreciate the complexities of the situation in that country, did not support the draft resolution. For those reasons, his delegation would abstain in the vote on draft resolution A/C.3/50/L.66.

39. Mr. SAHRAOUI (Algeria) said that his delegation had been involved in the negotiations on draft resolution A/C.3/50/L.66 from the outset. Among the concerns expressed by his delegation during the negotiations, the most important one had related to paragraph 5, and it had been received favourably by the sponsors. However, because a number of other proposed amendments had not been accepted, the primary objective of the draft resolution, which was to help the Nigerian people fully to enjoy their human rights and fundamental freedoms, had been obscured. For that reason, his delegation would abstain in the vote on the draft resolution. While his delegation was in favour of promoting the effective enjoyment of human rights in all countries, it was opposed to any politicization of human rights and to any interference in the internal affairs of States.

Politicizing legitimate action for the promotion of human rights undermined the credibility of such action.

40. Mr. HABIYAREMYE (Rwanda) said that his delegation was keenly sensitive to human rights issues since his country had recently experienced a genocide unprecedented in Africa. As a matter of principle, his delegation would not pass judgement on the judicial system of another sovereign State, although that did not mean that it condoned the deaths of innocent people or the exercise of summary justice. What surprised his delegation was that the international community continued to react subjectively and selectively when it came to human rights issues and that it had been far more lenient with the perpetrators of the genocide in Rwanda than with the Nigerian Government. The international community should avoid double standards and judge all countries equally. For all of those reasons, his delegation would abstain in the vote on draft resolution A/C.3/50/L.66.

41. Mrs. ESPINOSA (Mexico) said that her delegation would vote in favour of draft resolution A/C.3/50/L.66 as an expression of her Government's serious concern at Nigeria's flagrant violation of its human rights obligations. However, her delegation had reservations about elements of the fourth and fifth preambular paragraphs and paragraphs 4 and 5, which established a linkage between those violations and internal political processes which were a matter for each people to decide in exercise of its right to self-determination. Her delegation endorsed paragraph 6 and believed that the best way for the international community to promote and protect human rights was for it to take an approach based on international cooperation.

42. Mr. RAI (Papua New Guinea) said that it was his Government's policy not to pass judgement on the judicial systems and related institutions of other Governments, especially those of developing countries which had to adapt to the significant changes taking place in their countries. Since his delegation felt that draft resolution A/C.3/50/L.66 went beyond the realm of human rights and touched on areas that were within the domestic jurisdiction of States, it would abstain in the vote on the draft resolution.

43. A recorded vote was taken on draft resolution A/C.3/50/L.66, as orally revised.

In favour: Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino,

Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: Burundi, Chad, China, Gambia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Togo.

Abstaining: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Lebanon, Madagascar, Malaysia, Morocco, Mozambique, Namibia, Pakistan, Papua New Guinea, Rwanda, Saudi Arabia, Senegal, Singapore, Sri Lanka, Swaziland, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania.

44. Draft resolution A/C.3/50/L.66 was adopted by 98 votes to 12, with 42 abstentions.

The meeting rose at 1.35 p.m.